

Remarks

The Office Action mailed December 17, 2004 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-20 are now pending in this application. Claims 1-3, 6-11 and 14-18 stand rejected. Claims 4, 5, 12, 13, 19, and 20 have been withdrawn from consideration.

With regard to the election requirement made final, Applicant respectfully reaffirms the election of the species illustrated by Figure 4 and further submits that at least Claims 1, 2, 9, 10, 17, and 18 appear to be generic.

Applicant notes the objections to the drawings. Applicant further notes that the form PTO-948 references drawings that were submitted on March 16, 2004. The drawings submitted on March 16, 2004 were informal in nature. Formal drawings believed to meet the requirements of 37 C.F.R. 1.121(d) were submitted on October 13, 2004. In a previous telephone conversation with Examiner Hartmann, it was discussed that the specification provides an adequate description of where the lower levels of traffic lead to once obstructed in the drawings by the upper levels of traffic. In addition, the undersigned and the Examiner agreed that attempting to add hidden lines to show the routes of the lower levels of traffic would add clutter to the drawings rather than provide additional clarity. In an attempt to address the concerns of the draftsman and the Examiner, Applicant resubmits the formal drawings originally filed on October 13, 2004 for review.

Referring specifically to the objection in the Office Action, Applicants believes the unmarked lines referred to are the lines which indicates the separate lanes of the roadway. Applicant also submits that these unmarked lines would be understood to represent lanes of a roadway by those of ordinary skill in the art. However, should the Office find the resubmitted formal drawings unacceptable, Applicant respectfully requests the opportunity to readdress the

concerns of the Office. For these reasons, Applicant requests that the objections to the drawings be withdrawn.

The rejection of Claims 1-3, 9-11, 17, and 18 under 35 U.S.C. § 102(b) as being anticipated by Skultin (U.S. Patent No. 1,689,161) is respectfully traversed.

Skultin describes a highway crossing that includes a plurality of corner structures (1) each of which is provided with an inclined approach (2) leading from the road level and with diverging arms (3). The arms (3) are connected by viaducts (4) to arms (3) of adjacent structures. Each corner structure further includes two inclined passages (5) extending downward and inwardly from the arm (3). The passages (5) are spaced such that a supplemental passage (6) is formed. Space between the upper end of the inner passage (5) is unobstructed to provide an opening (7) that allows vehicles traveling down inner passage (5) to enter the supplemental passage (6). Referring to Figures 1 and 2 of Skultin, however, it appears that there is no exit lane that passes either over or under the traffic lanes in which travel is desired. Specifically, it appears that the inner passage (5) flows into the supplemental passage (6) and that the supplemental passage (6) merges into the "inside" of the lane in which travel is desired. However, second exit lanes passing either under or over the traffic lanes in which travel is desired to complete a left turn are not described nor suggested.

Claim 1 recites an interchange for a roadway system including at least one traffic lane approaching and passing through the interchange from each of four directions. The interchange comprises "at least one exit lane for ... providing a substantial right turn for traffic ...," "at least one merging area for traffic wishing to change a direction of travel to a direction substantially similar to a left turn" and "at least one second exit lane for each direction of traffic lane, said second exit lanes passing either under or over the traffic lanes in which travel is desired and changing in elevation to merge with said merging area to complete the left turn."

Skultin does not describe nor suggest a merging lane and a second exit lane that passes either under or over the traffic lanes in which travel is desired. Rather, Skultin describes an inner passage (5) that flows into a supplemental passage (6) that merges into the “inside” of the lane in which travel is desired. As such the passages (5) and (6) of Skultin do not pass either over or under the traffic lanes in which travel is desired. For the reasons set forth above, Claim 1 is submitted to be patentable over Skultin.

Claims 2 and 3 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 2 and 3 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 2 and 3 likewise are patentable over Skultin.

Independent Claim 9 recites a roadway system that includes a first road, a second road intersecting the first road, and an interchange configured to carry traffic through the intersection of the first road and the second road and further allowing traffic to change a direction of travel at the intersection. The interchange comprises “at least one exit lane for ... providing a substantial right turn for traffic ...,” “at least one merging area for traffic wishing to change a direction of travel to a direction substantially similar to a left turn” and “at least one second exit lane for each direction of traffic lane, said second exit lanes passing either under or over the traffic lanes in which travel is desired and changing in elevation to merge with said merging area to complete the left turn.”

Skultin does not describe nor suggest a merging lane and a second exit lane that passes either under or over the traffic lanes in which travel is desired. Rather, Skultin describes an inner passage (5) that flows into a supplemental passage (6) that merges into the “inside” of the lane in which travel is desired. As such the passages (5) and (6) of Skultin do not pass either over or under the traffic lanes in which travel is desired. For the reasons set forth above, Claim 9 is submitted to be patentable over Skultin.

Claims 10 and 11 depend, directly or indirectly, from independent Claim 9. When the recitations of Claims 10 and 11 are considered in combination with the recitations of Claim 9, Applicant submits that dependent Claims 10 and 11 likewise are patentable over Skultin.

Claim 17 recites a method for routing traffic through an intersection between a first road and a second road while also providing an ability to exit from one of the roads to either direction of the other road. The method comprises “providing at least one second exit lane for each direction of the first and second roads, the second exit lanes passing either under or over the traffic lanes in which travel is desired and providing a substantial left turn for traffic wishing to change a direction of travel to a direction substantially similar to a left turn.”

Skultin does not describe nor suggest a method that includes “providing at least one second exit lane for each direction of the first and second roads, the second exit lanes passing either under or over the traffic lanes in which travel is desired and providing a substantial left turn for traffic wishing to change a direction of travel to a direction substantially similar to a left turn.” Rather, Skultin describes an inner passage (5) that flows into a supplemental passage (6) that merges into the “inside” of the lane in which travel is desired. As such the passages (5) and (6) of Skultin do not pass either over or under the traffic lanes in which travel is desired. For the reasons set forth above, Claim 17 is submitted to be patentable over Skultin.

Claim 18 depends from independent Claim 17. When the recitations of Claim 18 are considered in combination with the recitations of Claim 17, Applicant submits that dependent Claim 18 likewise is patentable over Skultin.

For the reasons set forth above, Applicant respectfully requests that the Section 102 rejection of Claims 1-3, 9-11, 17, and 18 be withdrawn.

The rejection of Claims 6-8 and 14-16 under 35 U.S.C. § 103(a) as being unpatentable over Skultin is respectfully traversed.

Skultin is described above. Claims 6-8 depend from independent Claim 1 which recites a n interchange for a roadway system including at least one traffic lane approaching and passing through the interchange from each of four directions. The interchange comprises “at least one exit lane for ... providing a substantial right turn for traffic ...,” “at least one merging area for traffic wishing to change a direction of travel to a direction substantially similar to a left turn” and “at least one second exit lane for each direction of traffic lane, said second exit lanes passing either under or over the traffic lanes in which travel is desired and changing in elevation to merge with said merging area to complete the left turn.”

Skultin does not describe nor suggest a merging lane and a second exit lane that passes either under or over the traffic lanes in which travel is desired. Rather, Skultin describes an inner passage (5) that flows into a supplemental passage (6) that merges into the “inside” of the lane in which travel is desired. As such the passages (5) and (6) of Skultin do not pass either over or under the traffic lanes in which travel is desired. For the reasons set forth above, Claim 1 is submitted to be patentable over Skultin.

Claims 6-8 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 6-8 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 6-8 likewise are patentable over Skultin.

Claims 14-16 depend from independent Claim 9 which recites a roadway system that includes a first road, a second road intersecting the first road, and an interchange configured to carry traffic through the intersection of the first road and the second road and further allowing traffic to change a direction of travel at the intersection. The interchange comprises “at least one exit lane for ... providing a substantial right turn for traffic ...,” “at least one merging area for traffic wishing to change a direction of travel to a direction substantially similar to a left turn” and “at least one second exit lane for each direction of traffic lane, said second exit lanes passing

either under or over the traffic lanes in which travel is desired and changing in elevation to merge with said merging area to complete the left turn.”

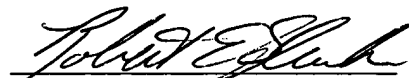
Skultin does not describe nor suggest a merging lane and a second exit lane that passes either under or over the traffic lanes in which travel is desired. Rather, Skultin describes an inner passage (5) that flows into a supplemental passage (6) that merges into the “inside” of the lane in which travel is desired. As such the passages (5) and (6) of Skultin do not pass either over or under the traffic lanes in which travel is desired. For the reasons set forth above, Claim 9 is submitted to be patentable over Skultin.

Claims 14-16 depend, directly or indirectly, from independent Claim 9. When the recitations of Claims 14-16 are considered in combination with the recitations of Claim 9, Applicant submits that dependent Claims 14-16 likewise are patentable over Skultin.

For the reasons set forth above, Applicant respectfully requests that the Section 103 rejection of Claims 6-8 and 14-16 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



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